

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK  
MANHATTAN DIVISION**

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**In re:**

**Case No. 18-12396-cgm  
Chapter 13**

**Nan Lee,  
Debtor.**

**HON. Cecelia G. Morris  
Hearing Date: 11/8/2018 at 2:30 PM  
Related Doc. 12**  
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**OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN**

Wilmington Savings Fund Society, FSB, Doing Business as Christiana Trust, Not in Its Individual Capacity, But Solely as Trustee for BCAT 2015-13BTT ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Chapter 13 Plan (DE #12), and states as follows:

1. Debtor, Nan Lee ("Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on August 7, 2018.
2. Secured Creditor holds a security interest in the Debtor's real property located at 2308 Ellis Ave, Bronx, NY 10462, by virtue of a Mortgage recorded on October 22, 2007 at Instrument No. 2007000533777 of the Public Records of Bronx County, NY. Said Mortgage secures a Note in the amount of \$480,000.00.
3. The Debtor filed a Chapter 13 Plan on August 21, 2018.
4. The Plan fails to include treatment of Secured Creditor's claim. The subject property and claim are, however, listed in Debtor's schedules. Secured Creditor objects to the Plan and seeks clarification as to Debtor's intentions in regard to the subject property and claim.
5. The Plan fails to mention the total amount of arrears owed. It is anticipated that Secured Creditor's claim will show the pre-petition arrearage due Secured Creditor is \$371,602.31. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Secured Creditor objects to any

plan which fails to acknowledge \$371,602.31 as the pre-petition arrearage over the life of the plan.

6. The Plan does not appear feasible due to inadequate treatment of Secured Creditor's claim. Thus, the plan violates the provisions of 11 U.S.C. § 1325(a)(3) and cannot be confirmed.

**WHEREFORE**, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

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By: /s/Barbara Whipple  
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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on October 4, 2018, I caused to be electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, and a true and correct copy has been served via CM/ECF or United States Mail to the following parties:

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